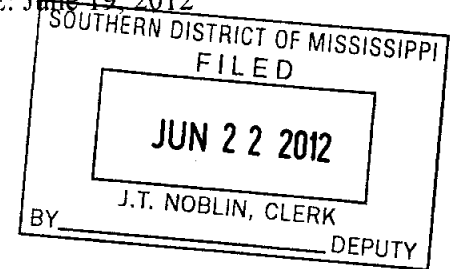


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE

DATE: June 19, 2012

TRANSMITTAL LETTER TO:

Dan M. Russell, Jr. United States Courthouse
Clerk of Court
2012 15th Street, Room 403
Gulfport, MS 39501



RE: USA v. STEPHEN RANDALL LUXFORD

CASE NO: 3:12-mj-1080 CHARGING DIST CASE NO: 1:07-cr-66LG-RHW

Enclosed please find original/certified copies of the following:

- ☐ Warrant of Arrest
- ☐ Complaint
- ☒ Financial Affidavit
- ☒ Order appointing counsel
- ☐ CJA 20 - Appointment of Counsel under CJA
- ☐ Order Setting Bail
- ☐ Appearance Bond
- ☐ Order Setting Conditions of Release
- ☐ Report of Proceedings before US Magistrate
- ☒ Waiver of Preliminary Hrg
- ☒ Waiver of Identity/Removal Hrg
- ☒ Detention Order
- ☒ Commitment to Another District
- ☐ Modified Warr. of Removal/Order Holding Deft to Answer/Appear in Dist of Prosecution
- ☒ Copy of Docket Entries from this District
- ☒ Other: Courtroom Minutes

Please acknowledge receipt of the above documents on the enclosed copy of this transmittal letter and return to this office. Return to: US District Court, Attn: Criminal Division, 800 Market Street, Suite 130, Knoxville, TN 37901.

s/ Donna Papa

Deputy Clerk

Live Database
U.S. District Court - Eastern District of Tennessee (Knoxville)
CRIMINAL DOCKET FOR CASE #: 3:12-mj-01080 All Defendants

Case title: USA v. Luxford
Other court case number: SD Mississippi 1:07cr66LG

Date Filed: 06/07/2012

Assigned to: Magistrate Judge C Clifford
Shirley

Defendant (1)

Stephen Randall Luxford

represented by **Paula R Voss**
Federal Defender Services of Eastern
Tennessee, Inc. (Knox)
800 South Gay Street
Suite 2400
Knoxville, TN 37929-9714
865-637-7979
Email: Paula_Voss@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**represented by **Charles E Atchley , Jr**

U S Department of Justice (Knox USAO)
 Office of U S Attorney
 800 Market Street
 Suite 211
 Knoxville, TN 37902
 865-545-4167
 Email: charles.atchley@usdoj.gov
TERMINATED: 06/13/2012
LEAD ATTORNEY

Melissa M Kirby

U S Department of Justice (Knox USAO)
 Office of U S Attorney
 800 Market Street
 Suite 211
 Knoxville, TN 37902
 865-225-1706
 Fax: 865-545-4176
 Email: melissa.kirby@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/19/2012	● <u>11</u>	Letter from EDTN to SDMS re Rule 32.1 Proceedings. (DCP,) (Entered: 06/19/2012)
06/18/2012	● <u>10</u>	COMMITMENT TO ANOTHER DISTRICT as to Stephen Randall Luxford. Defendant committed to District of Southern District of Mississippi at Gulfport. Signed by Magistrate Judge C Clifford Shirley on 6/18/2012. (2-CC w/2-CC of Order, doc. <u>9</u> sent to USMS.) (DCP,) (Entered: 06/19/2012)
06/18/2012	● <u>9</u>	ORDER OF DETENTION PENDING HEARING IN DISTRICT OF OFFENSE as to Stephen Randall Luxford. Signed by Magistrate Judge C Clifford Shirley on 6/18/2012. (DCP,) (Entered: 06/19/2012)
06/18/2012	● <u>8</u>	WAIVER of Rule 32.1 Hearing by Stephen Randall Luxford. (DCP,) (Entered: 06/19/2012)
06/18/2012	● <u>7</u>	Minute Entry for proceedings held before Magistrate Judge C Clifford Shirley:Detention Hearing as to Stephen Randall Luxford held on 6/18/2012. (Tape #FTR)Defendant Remanded to Custody. (DCP,) (Entered: 06/19/2012)
06/13/2012	●	Attorney update in case as to Stephen Randall Luxford. Attorney Charles E Atchley, Jr terminated per <u>6</u> Notice of Appearance of AUSA Kirby. (AYB) (Entered: 06/13/2012)
06/13/2012	● <u>6</u>	NOTICE OF ATTORNEY APPEARANCE Melissa M Kirby appearing for USA. (Kirby, Melissa) (Entered: 06/13/2012)

06/07/2012	5	ORDER OF DETENTION PENDING HEARING as to Stephen Randall Luxford. Signed by Magistrate Judge C Clifford Shirley on 6/7/2012. (DCP,) (Entered: 06/08/2012)
06/07/2012	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Stephen Randall Luxford. Signed by Magistrate Judge C Clifford Shirley on 6/7/2012. (DCP,) (Entered: 06/08/2012)
06/07/2012	3	CJA 23 Financial Affidavit by Stephen Randall Luxford. Signed by Magistrate Judge C Clifford Shirley on 6/7/2012. (DCP,) (Entered: 06/08/2012)
06/07/2012	2	Minute Entry for proceedings held before Magistrate Judge C Clifford Shirley: Initial Appearance in Rule 32.1 Proceedings as to Stephen Randall Luxford held on 6/7/2012. Appearance entered by Charles E Atchley, Jr for USA,Paula R Voss for Stephen Randall Luxford. (Detention Hearing set for 6/18/2012 01:30 PM in Courtroom 3B - Knoxville before Magistrate Judge C Clifford Shirley., Preliminary Hearing set for 6/18/2012 01:30 PM in Courtroom 3B - Knoxville before Magistrate Judge C Clifford Shirley.) (Tape #FTR) Defendant Remanded to Custody. (DCP,) (Entered: 06/08/2012)
06/07/2012	1	Rule 32.1 Documents Received as to Stephen Randall Luxford. (Attachments: # 1 Judgment, # 2 Request for Modifying the Conditions or Term of Supervision with Consent of the Offender)(DCP,) (Entered: 06/07/2012)

1243-005-2342-D
3916366

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America
v.

Case No. 1:07cr66LG-RHW-0

STEPHEN RANDALL LUXFORD
Defendant

2012 JUN -5 P 1:44

ARREST WARRANT

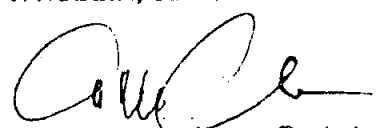
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) **STEPHEN RANDALL LUXFORD**
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:
Non-Compliance of standard, mandatory, and special conditions of release

J. T. NOBLIN, CLERK


Issuing officer's signature

Date: 6/05/2012

City and state: Gulfport, Mississippi

A. McCaughan, Deputy Clerk
Printed name and title

Return

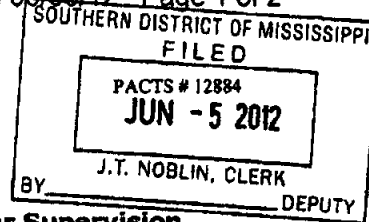
This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____
Arresting officer's signature

Printed name and title

PROB 12C
(01/12)

**United States District Court
for the
Southern District of Mississippi
Petition for Warrant or Summons for Offender Under Supervision**



Name of Offender: Stephen Randall Luxford Docket No. 1:07cr66LG-RHW-001
Name of Sentencing Judicial Officer: Honorable Louis Guirola, Jr.
Date of Original Sentence: January 29, 2008
Original Offense: 18 U.S.C. 2425 - Use of Interstate Facilities to Transmit Information About a Minor
Original Sentence: 60 Months BOP followed by 10 year term of supervised release.
Type of Supervision: Supervised Release Date Supervision Commenced: July 21, 2011
Assistant U.S. Attorney: Gaines Cleveland Defense Attorney: To Be Appointed/Retained

PETITIONING THE COURT

This information to be released to U.S. Marshals Service, U.S. Attorney's Office and U.S. Probation only.

- ☒ To issue a warrant
☐ To issue a summons

Violation Number

Nature of Non-Compliance

- | | |
|---------------------------|--|
| 1) Mandatory Condition | The offender failed to refrain from committing another federal, state or local crime. The offender was arrested by the Lenoir (TN) Police Department on May 25, 2012, and charged with Violation of the Sex Offender Registry. |
| 2) Standard Condition #3 | The offender failed to answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. The offender deliberately attempted to deceive the probation officer by providing untruthful information relative to his finances, employment, and living arrangements. |
| 3) Standard Condition #13 | The offender failed to notify third parties of risks occasioned by his criminal record and conviction relative to his employment and residence. |
| 4) Special Condition | The offender failed to participate in mental health and sex offender counseling as required by minimizing, distorting, and fabricating his conduct, as well as by failing to follow the safety plans outlined in his treatment groups. The offender was unsuccessfully discharged from treatment as a program failure. |

I hereby certify that this instrument, document
no. 24, filed on 6/5/12, is a true and
correct copy of the electronically filed original.
ATTEST: J. T. NOBLIN, CLERK
U. S. District Court, Southern District of Mississippi

By: [Signature]
Deputy Clerk

PACTS: Petition for Warrant or Summons - 12C

MSS Prob 12C

Page 2 of 2

Petition for Warrant or Summons
For Offender Under Supervision

Name of Offender: Luxford, Stephen Randall

Case Number: 1:07cr66LG-RHW-001

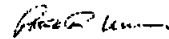
- 5) Special Condition The offender failed to refrain from associating with someone who he knew to be a sex offender. Following a treatment session, the offender was seen by the counselor associating in the parking lot with another sex offender who was participating in group treatment. The offender was given a verbal warning. Shortly thereafter, the same day, the counselor saw the offender associating with the same known sex offender in a public parking lot at a local pharmacy after being warned about the association.
- 6) Special Condition The offender failed to maintain proper sex offender registration. A requirement of sex offender registration in the State of Tennessee is that the Sex Offender Registry be notified within 48 hours of becoming unemployed. The offender was terminated from his employment on May 12, 2012; however, he never made notification to the Sex Offender Registry as required which resulted in his arrest on May 25, 2012.
- 7) Special Condition The offender failed to submit to polygraph testing as directed by the probation officer. The offender was scheduled to complete a polygraph examination on April 11, 2012; however, he failed to attend.

Reviewed and Approved:



Kurt M. Raymond
Supervisory U.S. Probation Officer

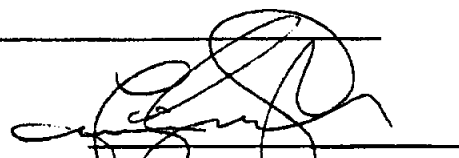
Respectfully submitted,



Patrick R. Williams
Senior U.S. Probation Officer
Date: June 5, 2012

THE COURT ORDERS:

- ☐ No Action
☒ Issue of an arrest warrant
☐ Issue a Summons for Hearing on _____
☐ Other



Signature of Judicial
Officer/Date
6-5-2012

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

U.S. MARSHALS SERVICE
SMS - GULFPORT
RECEIVED

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI
2007 FEB -4 P 12:07

District of MISSISSIPPI

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

STEPHEN RANDALL LUXFORD

Case Number: 1:07cr66LG-RHW-001

USM Number: 08311-043

Thomas E. Royals
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 2425	Use of Interstate Facilities to Transmit Information About a Minor	3/2007	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/29/2008

Date of Imposition of Judgment

s/ Louis Guirola, Jr.

Signature of Judge

Louis Guirola, Jr. U.S. District Judge
Name and Title of Judge

1/31/2008

Date

I hereby certify that this instrument, document
No. 13, filed on 1/31/08, is a true and
correct copy of the electronically filed original.
ATTEST: J. T. NOBLIN, CLERK
U. S. District Court, Southern District of Mississippi

By: [Signature]
Deputy Clerk

DEFENDANT: Stephen Randall Luxford
CASE NUMBER: 1:07cr66LG-RHW-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

60 months

- The court makes the following recommendations to the Bureau of Prisons:
that the defendant be housed in an institution closest to his home for visitation purposes;
that the defendant receive any mental health treatment for which the Bureau of Prisons feels he is eligible

- The defendant is remanded to the custody of the United States Marshal.

- ☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Stephen Randall Luxford
CASE NUMBER: 1:07cr66LG-RHW-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

10 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Stephen Randall Luxford
CASE NUMBER: 1:07cr66LG-RHW-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer with access to any requested financial information.
2. The defendant shall participate in a program of testing and/or treatment for drug abuse, as directed by the probation office, until such time as the defendant is released from the program by the probation office. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation office.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office, until such time as the defendant is released from the program by the probation office.
4. The defendant shall consent to the U. S. Probation Officer conducting periodic unannounced examinations of the defendant's computer(s) equipment which may include retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection; and consent at the direction of the U. S. Probation Officer to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.
5. The defendant shall not possess or use a computer that contains an internal modem and/or possess an external modem without the prior approval of the probation office.
6. The defendant shall have no unsupervised, personal, mail, telephone, or computer contact with children/minors under age 18 or with the victim.
7. The defendant shall not be employed in a job requiring contact with children under the age of 18 or with the victim.
8. The defendant shall pay the restitution in accordance with the judgment order.
9. If required by State law, whether that is the state of Mississippi or any state in which the defendant intends to reside after release from custody, the defendant will be required to register as a convicted sex offender, pursuant to whatever State law may be in effect.

Violation of probation or supervised release may result that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Signature: Randy Luxford Date: 7/25/2011
Signature: J. Call Date: 7-25-11
U.S. Probation Officer/Deputy Witness

DEFENDANT: Stephen Randall Luxford
CASE NUMBER: 1:07cr66LG-RHW-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 14,269.41

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case(AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Richard Tejedor 11515 Treelawn Street Gulfport, MS 39503		14,269.41	

TOTALS	\$ 0	\$ 14269.41
--------	------	-------------

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the ☐ fine ☒ restitution.
 - ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Stephen Randall Luxford
CASE NUMBER: 1:07cr66LG-RHW-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☒ Lump sum payment of \$ 14,369.41 due immediately, balance due

☐ not later than _____, or

☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☒ Special instructions regarding the payment of criminal monetary penalties:

Restitution is payable to the victim and shall be paid jointly and severally with any other defendant who is determined by the court to be culpable. Restitution shall be paid within 30 days of sentencing, with any unpaid balance payable at the rate of \$200 per month beginning 30 days after release from custody.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

* Restitution is payable to the victim and shall be paid jointly and severally with Tim Barrett, No. 1:07cr122WJG-RHW-001, as well as jointly and severally with any other defendant who is determined by the court to be culpable.

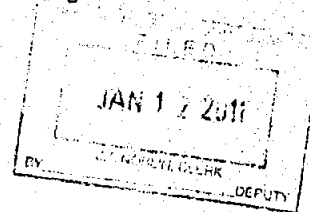
☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

PROB 128
(7/99)

**United States District Court
for SOUTHERN MISSISSIPPI**



**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: Stephen Randall Luxford

Case Number: 1:07cr66LG-RHW-001

Name of Sentencing Judicial Officer: Louis Guirola, Jr., Chief U.S. District Judge

Date of Original Sentence: January 29, 2008

Original Offense: Use of Interstate Facilities to Transmit Information About a Minor

Original Sentence: 60 months incarceration; 10 years supervised release; \$14,269.41 restitution; \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced:

PETITIONING THE COURT

- ☐ To extend the term of supervision for _ years, for a total term of _ years.
☒ To modify the conditions of supervision as follows:

See Attached Conditions

CAUSE

Luxford will be released from BOP custody in July 2011, and has requested to be supervised in the Eastern District of Tennessee. That district has supervision policies of special conditions for sex offenders. These conditions are attached.

Respectfully submitted,

By

U.S. Probation Officer
Date: December 28, 2010

SUSPO Approval

THE COURT ORDERS:

- ☒ No Action
☐ The Extension of Supervision as Noted Above
☐ The Modification of Conditions as Noted Above
☐ Other

Signature of Judicial Officer
Date: 1/12/2011

United States District Court

SOUTHERN District MISSISSIPPI

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

See attached conditions.

Witness

Wm. D. Thompson
U.S. Probation Officer

Signed

Stephen R. Luford
Probationer or Supervised Releasee

12/22/2010
Date

1. The defendant shall participate in a program of sex offender mental health treatment at his own expense, as approved by the probation officer, until such time as he is released from the program by the probation officer. The defendant shall comply with the policies and procedures of the treatment program. The defendant shall waive all rights to confidentiality regarding sex offender mental health treatment in order to allow release of information to the United States Probation Officer, and to authorize open communication between the probation officer and the treatment providers.
2. The defendant shall have no direct or third party contact with the victim(s) in this case by any means available to him.
3. The defendant shall not associate and/or be alone with children under 18 years of age, nor shall he be at any residence where children under the age of 18 are residing without the prior written approval of the probation officer. In addition, the defendant shall not visit, frequent, or remain about any place where children under the age of 18 normally congregate (public parks, playgrounds, etc.) or any business that caters to and/or targets child customers.
4. The defendant shall not associate with anyone, under any circumstance, that he knows to be a sex offender, someone who engages in sexual activity with children under 18 years of age, or someone who condones and/or supports the sexual abuse/exploitation of children under 18 years of age (i.e., NAMBLA, BOYCHAT, Boylover Message Board), except while participating in sex offender mental health treatment as approved by the probation officer.
5. The defendant shall not possess any printed photographs, paintings, recorded material, or electronically produced material that he may use for the purpose of deviant sexual arousal. Nor shall he visit, frequent, or remain about any place where such material is available to him for the purpose of deviant sexual arousal.
6. The defendant shall notify the probation officer of any/all locations where he receives mail. The defendant shall not obtain a new mailing address, post office box, or use the facility of any business for the delivery and receipt of mail or any other correspondence without approval of the probation officer.
7. The defendant shall submit to a psychosexual assessment at his own expense, as directed by the probation officer.
8. The defendant shall submit to polygraph testing at his own expense, as directed by the probation officer, in order to determine if he is in compliance with the conditions of supervision, or to facilitate sex offender treatment. The defendant shall be truthful during polygraph evaluations.

9. All residences and employment shall be approved in advance by the probation officer. The defendant shall not participate in any volunteer activities requiring unsupervised contact with children under the age of 18, without the approval of the probation officer.
10. The defendant shall submit his person, residence, vehicle, or any area over which he exercises control to a search conducted by a United States Probation Officer, at a reasonable time and in a reasonable manner, without prior notice or search warrant, in order to determine if the defendant is in compliance with the conditions of supervision. The defendant shall warn anyone with whom he resides that the premises may be subject to searches pursuant to this condition.
11. The defendant shall not possess or use a computer or any other electronic device with access to the Internet or any other online computer service at any location (including employment), without the approval of the probation officer.
12. The defendant shall not possess or use any data encryption technique or program designed to conceal material that is illegal or prohibited by the probation officer.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Signature: _____

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

CRIMINAL MINUTES - GENERAL

Case No. 3:12-mj-1080

At Knoxville, TN

Date June 7, 2012

U.S.A. vs. Stephen Randall Luxford

PRESENT: HONORABLE C. Clifford Shirley, Jr. United States Magistrate Judge

Donna Papa

FTR

Charle E. Atchley, Jr.

Deputy Clerk

Court Reporter

Assistant US Atty

Paula R. Voss, Federal Defender Service
Attorney for Defendant

Kathryn Callaway
Probation Officer

Others present: USM, CSO

PROCEEDINGS:

- Initial Appearance held on Petition for Warrant or Summons for Offender Under Supervision
- Defendant is sworn and advised of rights and charges
- Financial Affidavit is executed and approved
- Attorney Paula R. Voss, Federal Defender Services is appointed to represent the defendant in this case.
- The Government moved for detention under Rule 32.1
- The Defendant requested a Detention Hearing as well as a Preliminary Hearing.
- **The Court set a Detention/Preliminary Hearing for Monday, June 18, 2012 at 1:30 p.m.**
- The Government advised of the potential penalties.
- The defendant is remanded to the custody of the United States Marshal pending his hearing.

Time 2:00 p.m. to 2:30 p.m.

IN THE CASE OF _____ V.S. _____
IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Stephen R. Lufford

- 1 ☐ Defendant—Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box→)

- ☐ Felony
☐ Misdemeanor

ASSETS
EMPLOYMENT
OTHER INCOME
CASH
PROP. ERTY

Are you now employed? ☐ Yes ☒ No ☐ Am Self-Employed

Name and address of employer: _____

IF YES, how much do you
earn per month? \$ _____

IF NO, give month and year of last employment *8-2012*
How much did you earn per month? \$ *2,200*

If married is your Spouse employed? ☐ Yes ☐ No

IF YES, how much does your
Spouse earn per month? \$ _____

If a minor under age 21, what is your Parents or
Guardian's approximate monthly income? \$ _____

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form
the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☒ Yes ☐ No

IF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY
THE SOURCES

RECEIVED

SOURCES

\$ *27,000*

sale of house

CASH

Have you any cash on hand or money in savings or checking accounts? ☒ Yes ☐ No IF YES, state total amount \$ *10,000*

PROP. ERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and
clothing)? ☒ Yes ☐ No

IF YES, GIVE THE VALUE AND \$
DESCRIBE IT

VALUE

DESCRIPTION

4,000

1999 Chevy Pick-up

4,500

1997 Mazda Station wagon

7,500

2000 Harley Davidson motor cycle

500

personal property

OBLIGATIONS &
DEBTS

DEPENDENTS

MARITAL STATUS

Total
No. of
Dependents

- ☐ SINGLE
☐ MARRIED
☐ WIDOWED
☒ SEPARATED OR
DIVORCED

List persons you actually support and your relationship to them

DEBTS &
MONTHLY
BILLS
(LIST ALL CREDITORS,
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)

APARTMENT
OR HOME:

Creditors

Total Debt

Monthly Paymt.

Credit Card
Family debt - legal fees

\$ *10,000*

\$ *200*

\$ *80,000*

\$

\$

\$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

6/7/2012

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Stephen R. Lufford

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	3:12-mj-1080
V.)	(SHIRLEY)
)	
STEPHEN RANDALL LUXFORD)	

ORDER APPOINTING FEDERAL DEFENDER

The Court finds after review of the defendant's Financial Affidavit and defendant's answers to the court's questions, that defendant, **Stephen Randall Luxford**, does not have the funds to retain an attorney of his choice and that the defendant wants to be represented by counsel.

Accordingly, I find that the defendant qualifies for appointment of counsel and it is **ORDERED** the following counsel will be appointed to represent the defendant:

Paula Voss
Federal Defender Services of Eastern Tennessee
530 South Gay Street, Suite 900
Knoxville, TN 37902
Telephone: (865) 637-7979
Fax Number: (865) 637-7999

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
) No. 3:12-mj-1080
V.) (SHIRLEY)
)
STEPHEN RANDALL LUXFORD)
)

ORDER OF DETENTION
PENDING HEARING

The above-named defendant appeared in custody before the undersigned on June 7, 2012, for an initial appearance on a Warrant issued on a Petition for Warrant or Summons for Offender Under Supervision originating from the Southern District of Mississippi. Assistant United States Attorney Charles E. Atchley appeared on behalf of the government. Attorney Paula R. Voss, Federal Defender Services, appeared as counsel for the defendant. The government moved for detention. The defendant requested a detention hearing and a preliminary hearing.

Accordingly, **IT IS ORDERED:**

1. Defendant shall be detained pending his detention and preliminary hearing.
2. Defendants detention hearing and preliminary hearing is scheduled to commence before the undersigned on **Monday, June 18, 2012 at 1:30 p.m.**
3. Defendant shall be held by the United States Marshal pending the above scheduled hearing and shall be produced at such time and place for his hearing to determine his release status.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	CASE NO. 3:12-mj-01080
v.)	
)	MAGISTRATE JUDGE SHIRLEY
STEPHEN RANDALL LUXFORD)	

NOTICE OF DESIGNATION OF COUNSEL OF RECORD

Comes the United States of America by its counsel, Melissa M. Kirby, Assistant United States Attorney for the Eastern District of Tennessee, to give notice that the designation of counsel of record in the above-styled case should be as follows (e-mail addresses for support personnel and Assistant United States Attorney are listed):

Melissa M. Kirby, Lead Counsel - melissa.kirby@usdoj.gov;

Barbara K. Smith, Legal Assistant - barbara.smith@usdoj.gov.

Assistant United States Charles E. Atchley, Jr., should be terminated as Lead Counsel.

Respectfully submitted this 13th day of June, 2012.

WILLIAM C. KILLIAN
UNITED STATES ATTORNEY

By: s/ Melissa M. Kirby
Assistant U.S. Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

CERTIFICATE OF SERVICE

I hereby certify that, on June 13, 2012, a copy of the foregoing notice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Melissa M. Kirby
Assistant U.S. Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

CRIMINAL MINUTES - GENERAL

Case No. 3:12-mj-1080

At Knoxville, TN

Date June 18, 2012

U.S.A. vs. Stephen Randall Luxford

PRESENT: HONORABLE C. Clifford Shirley, Jr. United States Magistrate Judge

Donna Papa

FTR

Charles E. Atchley, Jr.

Deputy Clerk

Court Reporter

Assistant US Atty

Paula R. Voss

Corey Miller

Attorney for Defendant

Probation Officer

Others present: UMS, CSO

PROCEEDINGS: All parties presented before the court for a scheduled detention hearing. Before court began, the defendant signed a waiver of Rule 32.1 Hearing. The defendant is detained pending his hearing in the District of Offense. Order and Commitment to follow.

Time 1:30 p.m. to 1:45 p.m.

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America

v.

STEPHEN RANDALL LUXFORD

Defendant

Case No. 3:12-mj-1080

Charging District's Case No. 1:07-cr-66LG-RHW

WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the *(name of other court)* Southern District of Mississippi.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 06/18/2012

Stephen R. Luxford
Defendant's signature

Quella D. Voss
Signature of defendant's attorney

Printed name of defendant's attorney

Approved - C. Capital Security
CSM 5 10 6/18/2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
V.)	No. 3:12-mj-1080
)	(SHIRLEY)
)	
STEPHEN RANDALL LUXFORD)	

ORDER OF DETENTION PENDING HEARING
IN DISTRICT OF OFFENSE

The Defendant appeared for a scheduled Preliminary and Detention Hearing in this case on June 18, 2012, on Petition on Supervised Release issued in the Southern District of Mississippi, Gulfport Division. Charles E. Atchley, Jr., Assistant United States Attorney, was present representing the government, and Attorney Paula R. Voss, Assistant Federal Defender, was present representing the defendant.

Before the hearing began, the Defendant signed a Waiver of Rule 32.1 Hearing at this time but **RESERVED** the right to have these hearings in the district of offense when he returns to the Southern District of Mississippi, Gulfport Division. Accordingly, the defendant is detained at this time pending further proceedings in Mississippi.

It is **ORDERED** that a Commitment to Another District be executed and the defendant shall be transferred to the Souther District of Mississippi, Gulfport Division, by the United States Marshal.

IT IS SO ORDERED:

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America

v.

STEPHEN RANDALL LUXFORD

Defendant

Case No. 3:12-mj-1080

Charging District's

Case No. 1:07-cr-66LG-RHW

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Mississippi,
(if applicable) Gulfport division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: June 18, 2012

s/ C. Clifford Shirley, Jr.

Judge's signature

C. Clifford Shirley, Jr., United States Magistrate Judge

Printed name and title